



House of Representatives

General Assembly

File No. 510

January Session, 2013

Substitute House Bill No. 6604

House of Representatives, April 15, 2013

The Committee on Higher Education and Employment Advancement reported through REP. WILLIS of the 64th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING STUDENT FEES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2013*) (a) Any nonpartisan student
2 organization that intends to lobby, as defined in section 1-91 of the
3 general statutes, or engages a lobbyist, as defined in section 1-91 of the
4 general statutes, of a public institution of higher education shall
5 control the funds generated from such organization's receipt of
6 voluntary student fees collected by such public institution of higher
7 education, except such funds shall be under the supervision of the
8 administration of such institution unless such organization meets the
9 requirements in subsection (b) of this section and, as a result, becomes
10 responsible for the control and administration of such funds.

11 (b) (1) Where, by petition, five per cent of the students enrolled at
12 such institution and paying activity fees seek to enable such
13 nonpartisan student organization to acquire total control and
14 administration of the funds generated from the collection of voluntary

15 student fees at such institution, a referendum shall be held on the
16 question. Such referendum shall be conducted by secret ballot and
17 notice of such referendum shall be given to all enrolled students
18 paying activity fees at such institution not less than fourteen days prior
19 to such referendum. Such organization shall become responsible for
20 the control and administration of such funds if the majority of votes
21 cast in the referendum approve the organization's acquisition of total
22 control and administration, provided such majority consists of
23 approving votes by not less than twenty per cent of all enrolled
24 students paying activity fees plus one additional approving vote.

25 (2) Any such nonpartisan student organization that takes control of
26 voluntary student fees pursuant to a referendum described in this
27 section shall establish a board of directors whose duty it shall be to
28 hold hearings on budget requests and expenditures of such funds and
29 to recommend the allocation of such funds. Such organization shall
30 have as one of its officers a duly elected treasurer who shall be
31 accountable for such funds and be bonded in an amount determined
32 by the State Insurance and Risk Management Board.

33 (c) A referendum on whether to continue such nonpartisan student
34 organization's control of such funds shall be held upon a petition by
35 five per cent of the students enrolled at such institution and paying
36 activity fees who seek to discontinue such nonpartisan student
37 organization's control. Such referendum shall be held in accordance
38 with the provisions of subsection (b) of this section. Where a majority
39 of those voting in such referendum disapprove of the continuation of
40 such nonpartisan student organization's control over such funds,
41 supervision of such funds shall be vested in the administration of the
42 institution in accordance with subsection (a) of this section.

43 (d) Notwithstanding any provision of this section, a referendum on
44 whether to continue such nonpartisan student organization's control of
45 such funds shall be held, in accordance with the provisions of
46 subsection (b) of this section, not less than every four years. Such
47 referendum shall require approval by a majority of votes cast in the

48 referendum in order for such nonpartisan student organization's
49 control to continue, provided such majority consist of yes votes of not
50 less than twenty per cent of all enrolled students paying activity fees
51 plus one additional yes vote.

52 Sec. 2. (NEW) (*Effective July 1, 2013*) Any nonpartisan student
53 organization that intends to lobby or engage a lobbyist and that is in
54 control of funds generated by such organization's collection of
55 voluntary student fees, in accordance with section 1 of this act, shall
56 file, or cause to be filed, a balance sheet and statement of operations
57 with the Secretary of the Office of Policy and Management at such
58 times as said secretary orders. The organization shall retain a copy of
59 such balance sheet and statement for auditing purposes.

60 Sec. 3. Subsection (b) of section 4-54 of the general statutes is
61 repealed and the following is substituted in lieu thereof (*Effective from*
62 *passage*):

63 (b) Where the duly constituted student government at any public
64 institution of higher education or where, by petition, five per cent of
65 the students enrolled at such institution and paying activity fees
66 [seeks] seek to establish total control and administration of the student
67 trustee account at such institution, a referendum shall be held on the
68 question. Such referendum shall be conducted by secret ballot and
69 notice of such referendum shall be given to the students at such
70 institution at least fourteen days prior to such referendum. [Upon
71 approval by a majority of at least forty per cent of all students enrolled
72 in the institution and paying activity fees, the] The duly constituted
73 student government of such institution shall become responsible for
74 the control and administration of such account if the majority of votes
75 cast in the referendum approve the question, provided such majority
76 consists of yes votes of not less than twenty per cent of all enrolled
77 students paying activity fees plus one additional yes vote. Pursuant to
78 this subsection any student government controlling student trustee
79 accounts shall establish a finance committee whose duty it shall be to
80 hold hearings on budget requests and expenditures of such accounts

81 and to recommend the allocation of such accounts to the student
 82 government. Such student government shall have as one of its officers
 83 a duly elected treasurer who shall be accountable for such accounts
 84 and be bonded in accordance with the provisions of subsection (a) of
 85 this section.

86 Sec. 4. Subsection (d) of section 4-54 of the general statutes is
 87 repealed and the following is substituted in lieu thereof (*Effective from*
 88 *passage*):

89 (d) Notwithstanding any provisions of this section, a referendum on
 90 whether to continue student control of such account shall be held at
 91 least every four years in accordance with the provisions of subsection
 92 (b) of this section. Such referendum shall require [approval by a
 93 majority of at least forty per cent of all students enrolled in the
 94 institution and paying activity fees] the approval of a majority of votes
 95 cast in the referendum, provided such majority consists of approving
 96 votes by not less than twenty per cent of all enrolled students paying
 97 activity fees plus one additional approving vote.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	New section
Sec. 2	<i>July 1, 2013</i>	New section
Sec. 3	<i>from passage</i>	4-54(b)
Sec. 4	<i>from passage</i>	4-54(d)

HED *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

There is no fiscal impact to the constituent units of higher education authorizing a nonpartisan student organization at a public higher education institution, that intends to lobby or engages a lobbyist, to manage and administer the funds received from a voluntary student fee that the institution collects as the change is administrative in nature.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6604*****AN ACT CONCERNING STUDENT FEES.*****SUMMARY:**

This bill authorizes a nonpartisan student organization at a public higher education institution that intends to lobby or engages a lobbyist to manage and administer the funds received from a voluntary student fee that the institution collects. It establishes requirements that the organization must (1) meet in order to obtain control and (2) follow once it does so.

The bill also modifies the support level that a student government at a public higher education institution must meet in order to acquire or retain control of student activity funds. Additionally, it makes technical changes.

EFFECTIVE DATE: July 1, 2013, except that the technical changes and provisions affecting student government are effective upon passage.

CONTROL OF STUDENT FEES***Nonpartisan Organizations That Lobby***

The law allows student governments at public colleges and universities to assume and maintain full control over student activity funds if they prevail in a referendum for this purpose. The bill establishes a parallel process under which a nonpartisan student organization that intends to lobby or engages a lobbyist can manage and administer funds received from a voluntary student fee that the institution collects.

Under the bill, the organization must prevail in a referendum in

order to obtain control of the funds. The referendum must be held by secret ballot after 14 days' notice based on a petition signed by at least 5% of the students enrolled at the institution and paying activity fees. The referendum passes if (1) at least 20% of all enrolled students paying activity fees, plus one additional student, vote in favor of it and (2) these students constitute a majority vote in the referendum.

If the referendum is approved, the organization must establish a board of directors to hold hearings on budget requests and expenditures and recommend allocation of the funds. The organization must have an elected treasurer, bonded in an amount set by the State Insurance and Risk Management Board, as one of its officers. The bill requires the organization to (1) file a balance sheet and statement of operations with the Office of Policy and Management secretary whenever the secretary orders it and (2) retain a copy of the balance sheet and statement for auditing purposes.

The bill requires that a referendum on whether to continue the organization's control of the funds be held at least every four years. Requirements for conducting and approving the subsequent referenda are the same as those for the initial referendum. The bill also allows, upon a petition signed by at least 5% of the students enrolled at the institution and paying activity fees, a referendum to discontinue the organization's control of the funds. This referendum must be conducted in the same way as the other referenda, but the bill specifies that the organization loses control of the funds if a majority of those voting in the referenda votes for discontinuation.

If, based on a referendum's results, the organization loses control of the funds, then control reverts to the institution's administration.

Student Government

The law allows student governments at public colleges and universities to assume and maintain full control over student activity funds if they prevail in a referendum for this purpose. The referendum requirements are generally the same as those that the bill establishes

for nonpartisan organizations that lobby, except that a referendum for student government control can also be held upon the student government's initiative.

Current law requires that the student government receive the support of a majority of at least 40% of the students enrolled and paying activity fees. The bill specifies that the referendum passes if (1) at least 20% of all enrolled students paying activity fees, plus one additional student, vote in favor of it and (2) these students constitute a majority vote in the referendum.

COMMITTEE ACTION

Higher Education and Employment Advancement Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/26/2013)